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NEARING THE 30TH ANNIVERSARY OF THE BHOPAL DISASTER, POLLUTION VICTIMS ASK U.S. APPEALS COURT TO HOLD UNION CARBIDE ACCOUNTABLE

NOVEMBER 24, 2014 NEW YORK, NY – Almost 30 years after the world’s worst industrial disaster, survivors and other members of the surrounding community continue to seek justice for toxic contamination. Property owners whose wells have been fouled by toxins from the notorious chemical plant in Bhopal, India, filed an appeal in the U.S. Court of Appeals for the Second Circuit on Friday, contesting a lower court’s decision that Union Carbide Corp. (UCC) could not be sued for ongoing pollution.

On December 2, 1984, poisonous gas from that chemical plant enveloped nearby communities, killing over 5,000 people. UCC then largely abandoned the site, allowing toxic wastes to leach into the local water supply. UCC was intimately involved in the creation and disposal of toxic wastes at the Bhopal plant by designing, providing, approving, and overseeing the construction of an inadequate waste management system. Additionally, the manager who oversaw the construction of the plant confirmed that he worked for UCC, not for the Indian subsidiary that officially operated the plant. But in July, a federal trial judge ruled that UCC was not sufficiently involved in the acts at the plant and that the project manager actually worked for the subsidiary.

“The Plaintiffs have provided substantial new evidence that demonstrates UCC’s involvement. But the court chose to improperly assess the weight and credibility of this evidence, assessments that are supposed to be left to the jury,” said Rick Herz, counsel for the plaintiffs and Litigation Coordinator for EarthRights International.

Because judges are not supposed to weigh evidence without letting a jury hear the case, the plaintiffs believe that the Second Circuit will correct this error.

This appeal comes shortly after Dow (which now owns UCC) once again ignored a summons from the Chief Judicial Magistrate of Bhopal to appear in court to explain why it has not made UCC answer to the court. The Bhopal court has ordered another summons to be issued November 22, 2014. UCC is already considered an absconder from justice in India, and civil society groups worldwide are calling on Dow and UCC to accept responsibility.

The *Sahu* lawsuit is No. 07 Civ 2156 in the Southern District of New York. The plaintiffs are represented by EarthRights International, Sharma & DeYoung LLP, the Law Offices of Curtis V. Trinko, and Hausfeld, LLP.

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EarthRights International (ERI) is a nongovernmental, nonprofit organization that combines the power of law and the power of people in defense of human rights and the environment, which we define as "earth rights." We specialize in fact-finding, legal actions against perpetrators of earth rights abuses, training grassroots and community leaders, and advocacy campaigns, and have offices in Southeast Asia, the United States and Peru. More information on ERI is available at www.earthrights.org